

1-1 By: Nelson S.B. No. 1057  
1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 March 28, 2013, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 28, 2013,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Nelson	X		
1-10	Deuell	X		
1-11	Huffman	X		
1-12	Nichols	X		
1-13	Schwertner	X		
1-14	Taylor	X		
1-15	Uresti	X		
1-16	West	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1057 By: Nelson

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to information about private health care insurance  
1-22 coverage and the health insurance exchange for individuals applying  
1-23 for certain Department of State Health Services health or mental  
1-24 health benefits, services, and assistance.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter D, Chapter 1001, Health and Safety  
1-27 Code, is amended by adding Sections 1001.080 and 1001.081 to read as  
1-28 follows:

1-29 Sec. 1001.080. HEALTH INSURANCE COVERAGE INFORMATION.

1-30 (a) In this section, "individual's legally authorized  
1-31 representative" means:

1-32 (1) a parent, managing conservator, or guardian of an  
1-33 individual, if the individual is a minor;

1-34 (2) a guardian of an individual, if the individual has  
1-35 been adjudicated incompetent to manage the individual's personal  
1-36 affairs; or

1-37 (3) an agent of the individual authorized under a  
1-38 durable power of attorney for health care.

1-39 (b) This section applies to health or mental health  
1-40 benefits, services, or assistance provided by the department that  
1-41 the department anticipates will be impacted by a health insurance  
1-42 exchange as defined by Section 1001.081(a), including:

1-43 (1) community primary health care services provided  
1-44 under Chapter 31;

1-45 (2) women's and children's health services provided  
1-46 under Chapter 32;

1-47 (3) services for children with special health care  
1-48 needs provided under Chapter 35;

1-49 (4) epilepsy program assistance provided under  
1-50 Chapter 40;

1-51 (5) hemophilia program assistance provided under  
1-52 Chapter 41;

1-53 (6) kidney health care services provided under Chapter  
1-54 42;

1-55 (7) human immunodeficiency virus infection and  
1-56 sexually transmitted disease prevention programs and services  
1-57 provided under Chapter 85;

1-58 (8) immunization programs provided under Chapter 161;

1-59 (9) programs and services provided by the Rio Grande  
1-60 State Center under Chapter 252;

1-61 (10) mental health services for adults provided under  
1-62 Chapter 534;

(11) mental health services for children provided under Chapter 534;

(12) the NorthSTAR Behavioral Health Program provided under Chapter 534;

(13) programs and services provided by community mental health hospitals under Chapter 552;

(14) programs and services provided by state mental health hospitals under Chapter 552; and

(15) any other health or mental health program or service designated by the department.

(c) Subject to Subsection (d), the department may not provide health or mental health benefits, services, or assistance described in Subsection (b) unless the individual applying to receive the benefits, services, or assistance submits to the department on the form prescribed by the department:

(1) a statement by the individual or the individual's legally authorized representative attesting that the individual does not have access to private health care insurance that provides coverage for the benefit, service, or assistance; or

(2) if the individual has access to private health care insurance that provides coverage for the benefit, service, or assistance, the information and authorization necessary for the department to submit a claim for reimbursement from the insurer for the benefit, service, or assistance.

(d) The department may waive the prohibition under Subsection (c) for an individual or for health or mental health benefits, services, or assistance described in Subsection (b) if the department determines that a benefit, service, or assistance is necessary during a crisis or emergency.

(e) The executive commissioner shall adopt rules necessary to implement this section.

Sec. 1001.081. HEALTH INSURANCE EXCHANGE INFORMATION.

(a) In this section:

(1) "Health insurance exchange" means an American Health Benefit Exchange administered by the federal government under 42 U.S.C. Section 18041 or created under 42 U.S.C. Section 18031.

(2) "Individual's legally authorized representative" has the meaning assigned by Section 1001.080(a).

(b) The department may develop informational materials regarding health care insurance coverage and subsidies available under a health insurance exchange.

(c) The department shall provide the informational materials regarding health care insurance coverage and subsidies available under a health insurance exchange to an individual or the individual's legally authorized representative who:

(1) applies to receive health or mental health benefits, services, or assistance described in Section 1001.080(b); and

(2) has an income above 100 percent of the federal poverty level.

(d) The executive commissioner shall adopt rules necessary to implement this section.

SECTION 2. As soon as practicable after the effective date of this Act, the Department of State Health Services shall prescribe the form required by Section 1001.080, Health and Safety Code, as added by this Act.

SECTION 3. As soon as possible after the effective date of this Act, the Health and Human Services Commission shall apply for any waiver or other authorization necessary to implement this Act. The commission may delay implementing this Act until the waiver or authorization is granted.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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